

original

CASE NO. 1363

DATE OF HEARING 7.16.20

Town of Aurora Zoning Board of Appeals
300 Glead Avenue, East Aurora, New York 14052

Zoning Board of Appeals Application Form

I. TYPE OF REQUEST

AREA VARIANCE SPECIAL USE PERMIT USE VARIANCE INTERPRETATION

II. APPLICANT/PETITIONER

Applicant's Name MICHAEL TRONOLONE
Address 1907 CENTER ST.
City EAST AURORA State N.Y. ZIP ~~14052~~ 14052
Phone 716-339-2116 Fax _____ Email _____
Interest in (the property tax, owner/purchaser/developer) OWNER

III. PROPERTY OWNER INFORMATION (If different from applicant information.)

Property Owner(s) Name(s) _____
Address _____
City _____ State _____ ZIP _____
Phone _____ Fax _____ Email _____

III. PROPERTY INFORMATION

Property Address 1907 Center
SBL# 200.00-1-45.2
Property size in acres 3.3 Property Frontage in feet 215'
Zoning District RR/A Surrounding Zoning RR/A
Current Use of Property Residential

IV. REQUEST DETAIL

(check all that apply)

Variance from Ordinance Section(s) # 116-8.5F(2)
 Special Use Permit for: _____
 Use Variance for: _____
 Interpretation of _____

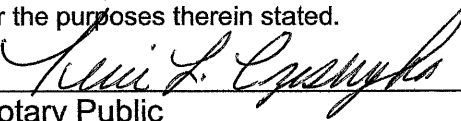
V. SIGNATURES (This application must be signed by the applicant/petitioner. If the applicant is not the owner of the property, a separate owner authorization form must be submitted – see pg. 5)


Signature of Applicant/Petitioner

MICHAEL TRONOLONE
Print name of Applicant/Petitioner

State of New York; County of Erie

On the 8 day of May in the year 2020 before me, the above individual appeared, personally known to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same for the purposes therein stated.


Notary Public

(Notary stamp)

TERRI L CZOSNYKA
Notary Public, State of New York
01CZ6200287
Qualified in Erie County
My commission expires Feb. 02, 2021

Office Use Only: Date received: 6/12/2020 Receipt #: 122088

Application reviewed by: 

ECDP ZR-1 form sent to EC: _____ Hearing publication date: _____

PREVIOUS APPEAL(S):

A previous appeal to the Zoning Board of Appeals () has () has not been made with respect to this property.

Previous appeals:

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

Date: _____ Type of Appeal: _____ Granted _____ Denied _____

PETITIONER'S LETTER OF INTENT

Please describe in detail the proposed project, reason the variance and/or special use permit is being requested and any additional information that may be helpful to the Zoning Board of Appeals in deciding this appeal: (attach additional pages if needed)

TO BUILD A 40'W X 30'DEEP POLE BARN ON SOUTH SIDE OF PROPERTY
40' IN FRONT OF HOUSE GARAGE SINGLE CAR GARAGE. TO BE 16' OFF SIDE LOT LINE.
POLE BARN TO BE WOOD FRAME WITH STEEL ROOF + SIDING. 10' HIGH CEILING, 3 -
10' GARAGE DOORS, MAN DOOR, ROOF PITCH $\frac{16}{12}$ - 45 FT. FROM CORNER OF HOUSE

TO BE COMPLETED ONLY WHEN A USE VARIANCE IS BEING REQUESTED:

A Use Variance is requested because the applicable regulations and restrictions in the Zoning Code of the Town of Aurora have caused unnecessary hardship as demonstrated by the following:

1) I cannot realize a reasonable return on my property for each and every permitted use allowed in the current zoning classification as demonstrated by the accompanying financial evidence (provide financial evidence to support your argument).

Financial Evidence Provided Yes No (financial evidence is required per NYS Town Law)

2) Describe why your alleged hardship relating to the subject property is unique and does not apply to other properties in the zoning district or neighborhood: _____

3) Describe why you believe that the essential character of the neighborhood/community will not change if the Zoning Board of Appeals grants you a use variance: _____

4) Is your need for a use variance a result of you own actions (is your difficulty self-created)? Please explain: _____

(Attach additional pages if needed)

SUPERVISOR
James J. Bach
(716) 652-7590
jbach@townofaurora.com



TOWN CLERK
Martha L. Librock
(716) 652-3280
townclerk@townofaurora.com

TOWN OF AURORA
Southside Municipal Center
300 Glead Avenue, East Aurora, NY 14052
www.townofaurora.com

TOWN COUNCIL MEMBERS

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sfriess@townofaurora.com

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TOWN JUSTICE
Jeffrey P. Markello
Anthony DiFilippo IV

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(716) 652-7944
historian@townofaurora.com

FAX: (716) 652-3507
NYS Relay Number:
1(800) 662-1220

*This institution is
an equal opportunity
provider and
employer.*

June, 09 2020

Michael Tronolone
1907 Center St.
East Aurora NY 14052

Michael,

The Building Department has reviewed your application for an accessory structure at 1907 Center St. We have denied your application because you fail to meet the zoning requirements for accessory structures in an A zoning district. We therefore request that you apply to the town Zoning Board of Appeals for an area variance if you wish to continue with this project.

116-8.5F(2)

Required: No accessory building shall be erected in the front yard.

Requested: An accessory building in the front yard.

Variance: An accessory building in the front yard.

If you wish to pursue this matter further you must apply to the Town of Aurora Zoning Board of Appeals for an Area Variance. You must include your application, application fee, and any information needed to support your request for a variance from the Town Code. If you have any questions contact the Building Department at 652-7591.

William R Kramer

Code Enforcement Officer

SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, NY AND REPLY TO MUNICIPALITY

Note: Please complete in triplicate. Send original and one copy (with attachments) to Erie County Division of Planning, Room 1053, 95 Franklin Street, Buffalo, N.Y. 14202.
Retain last copy for your files.

DO NOT WRITE IN THIS SPACE

Case No.: _____

Received: _____

The proposed action described herein is referred in accordance with the provisions of the General Municipal Law, which provides that if no reply is received in 30 days after receipt of full information including a SEQR EAF if applicable, the municipal agency may take final action without considering such reply. If, however, reply is received at any time prior to municipal Action, such reply must be considered.

Description of Proposed Action

1. Name of Municipality: Town of Aurora

2. Hearing Schedule: **Date** 7/16/2020 **Time** 7pm **Location** 300 Glead Ave., E. Aurora

3. Action is before: Legislative Body Board of Appeals Planning Board

4. Action consists of: New Ordinance Rezone/Map Change Ordinance Amendment

Site Plan Variance Special Use Permit Other

5. Location of Property: Entire Municipality Specific as follows 1907 Center Street, E. Aurora

6. Referral required as Site is within 500' of: State or County Property/Institution Municipal Boundary Farm Operation located in an Agricultural District

Expressway County Road State Highway Proposed State or County Road, Property, Building/Institution, Drainageway

7. Proposed change or use: (be specific) Accessory building in front yard of residence not allowed by Town code

8. Other remarks: (ID#, SBL#, etc.) SBL#200.00-1-45.2

9. Submitted by: Martha L. Librock June 12, 2020

300 Glead Ave., East Aurora, NY 14052

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on _____. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. The proposed action is not subject to review under the law.
2. Form ZR-3, Comment on Proposed Action is attached hereto.
3. The proposed action is subject to review; the Division makes the recommendation shown on Form ZR-4, Recommendation on Proposed Action, which is attached hereto.
4. No recommendation; proposed action has been reviewed and determined to be of local concern

By the Division of Planning: _____ **Date:** _____

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Michael Tronolone			
Name of Action or Project: New 30x40 Pole Barn			
Project Location (describe, and attach a location map): 1907 Center St. East Aurora, NY 14052 SBL# 200.00-1-45.2			
Brief Description of Proposed Action: 30 x40 Accessory building in the front yard of the residence at 1907 Center St. East Aurora NY			
Name of Applicant or Sponsor: Michael Tronolone		Telephor [REDACTED]	
Address: 70 Fairway Dr.		E-Mail: [REDACTED]	
City/PO: Orchard Park		State: NY	Zip Code: 14127
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 3.3 acres			
b. Total acreage to be physically disturbed? _____ .2 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 3.3 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ No water planned for the accessory structure	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

Shoreline
 Forest
 Agricultural/grasslands
 Early mid-successional
 Wetland
 Urban
 Suburban

15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Is the project site located in the 100-year flood plan?

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

17. Will the proposed action create storm water discharge, either from point or non-point sources?
If Yes,

a. Will storm water discharges flow to adjacent properties? NO YES

b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? NO YES

If Yes, briefly describe:

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?

If Yes, explain the purpose and size of the impoundment:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?

If Yes, describe:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

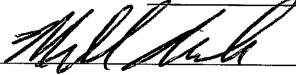
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?

If Yes, describe:

NO	YES
<input checked="" type="checkbox"/>	<input type="checkbox"/>

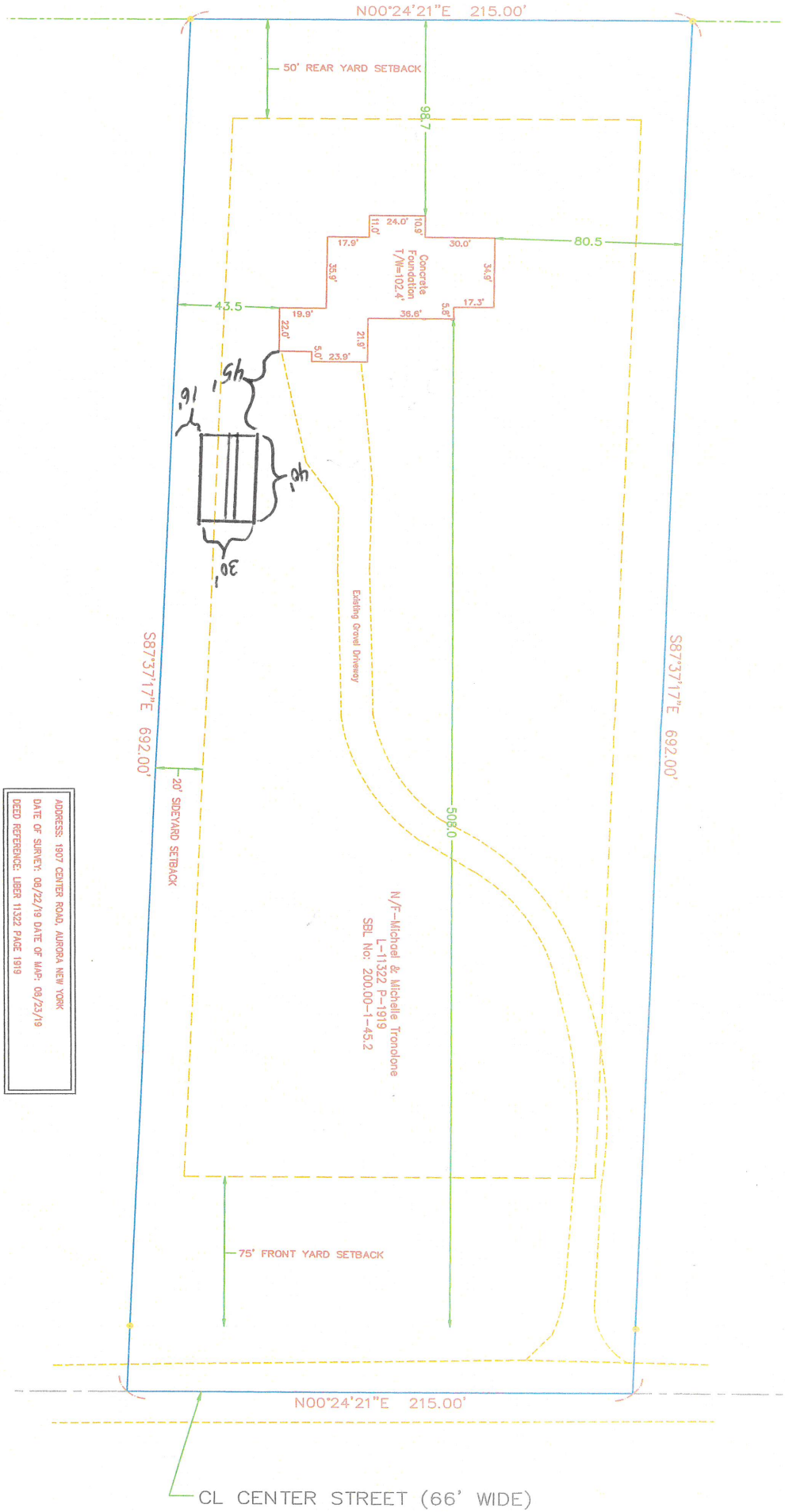
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

Applicant/sponsor/name: Michael Tronolone Date: 6/11/2020

Signature:  Title: owner

FOUNDATION LOCATION

1907 CENTER STREET
AURORA, NEW YORK



Albert D.

THE NEW YORK STATE ENGINEERING
LAND SURVEYORS SEAL NO. 00000

REQUESTED BY: Michael & Michelle Tronolone

GENZEL LAND SURVEYING, P.C. @LLC
7033 COLE ROAD COLDEN, NEW YORK 14033
PH: (716) 667-9733 FAX: (716) 667-9735
JOB NO. 5437 DATE: 08/23/19 DWN. BY: JAG

ADDRESS: 1907 CENTER ROAD, AURORA, NEW YORK
DATE OF SURVEY: 08/22/19 DATE OF MAP: 09/23/19
DEED REFERENCE: UBERR 11322 PAGE 1919

LEGAL: PART OF LOT 26, T-9, R-8 OF THE HOLLAND LAND
COMPANY'S SURVEY, TOWN OF AURORA, ERIE COUNTY, NEW YORK
NO PROPERTY CORNER WERE SET AS PART OF THIS SURVEY

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN
ASSAY OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS
THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH

UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP
BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF
SECTION 7209, SUB-DIVISION 2, OF NEW YORK STATE EDUCATION
LAW



CL CENTER STREET (66' WIDE)

Need copy to

THIS INDENTURE

Made the 28th day of November, 2017

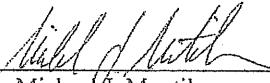
Between Michael J. Montileone and Laurel A. Montileone, residing at V/L Center Street, Aurora, NY 14052
Grantor(s), and
Michael Tronolone and Michelle M. Tronolone, husband and wife, residing at 70 Fairway Drive, Orchard Park, NY 14127
Grantee(s)

Witnesseth, that the Grantor(s) in consideration of One and More Dollars (\$1.00 & More) lawful money of the United States, paid by the Grantee(s) do hereby grant and release unto the Grantee(s), their heirs and assigns forever,

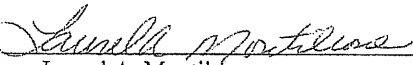
ALL THAT TRACT OR PARCEL OF LAND, described on Schedule A attached hereto and made a part hereof.

Together with the appurtenances and the estate and rights of the Grantor(s) in and to the Premises: To have and to hold the above granted premises unto the Grantee(s) their heirs and assigns forever; and the Grantor(s) covenant(s) with the Grantee(s) that the Grantee(s) shall quietly enjoy the premises and that the Grantor(s) will forever warrant the title to the premises.
This grant is made subject to the trust fund provisions of Section 13 of the Lien Law.

In Witness Whereof the hand(s) and seal(s) of the undersigned are affixed as of the day and year first above written.

 [Seal]
Michael J. Montileone

NOV 30 2017
CLERK OF COURSE

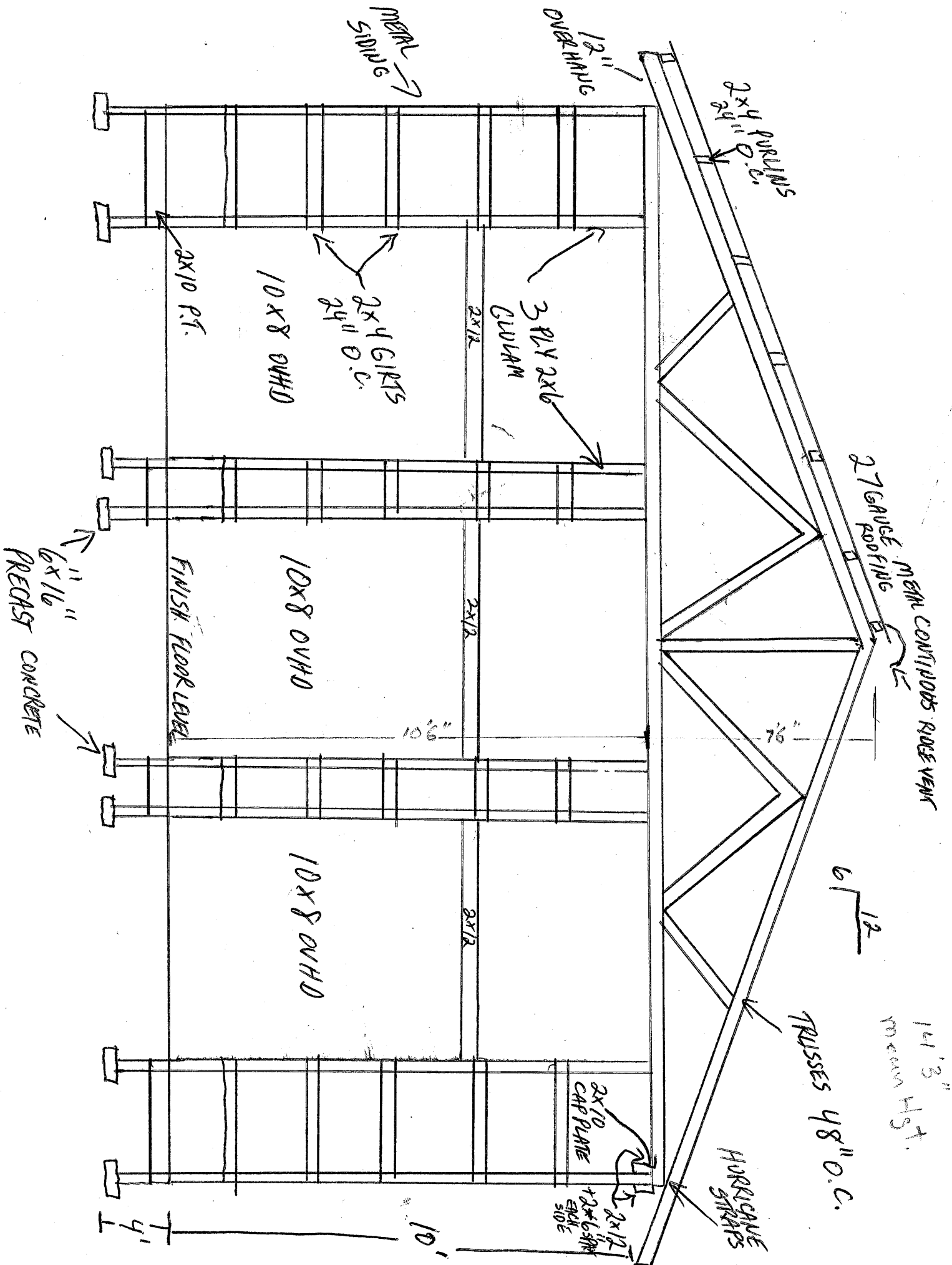
 [Seal]
Laurel A. Montileone

STATE OF NEW YORK }
COUNTY OF ERIE } ss:

On the 28th day of November in the year 2017, before me, the undersigned, a notary public in and for said state, personally appeared Michael J. Montileone and Laurel A. Montileone, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.


Notary Public

Laura A. Cye
Notary Public, State of New York
Qualified in Erie County No. 01CY5079989
My commission expires: 6/16/2019



12" OVERHANG

2x4 PURLINS

27 GAUGE ROOFING
MAIN CONTIGUOUS ROOF VENT

141'3" main HGT.
RUSSES 48" O.C.

HURRICANE STRAPS

2x10 CAP PLATE
12x6 STRIPS END SIDE

10'

4'

2x4 GIRTS
24" O.C.
10x8 OVHD

3 PLY 2x6 GUDAM

10x8 OVHD

10x8 OVHD

FINISH FLOOR LEVEL

6x16" PRECAST CONCRETE

2x10 P.T.

106"

76"

6/12

Fw: garage

From: michelle Tronolone (mtronolone1@yahoo.com)

To: miketronolone@yahoo.com

Date: Monday, May 11, 2020, 10:18 AM EDT

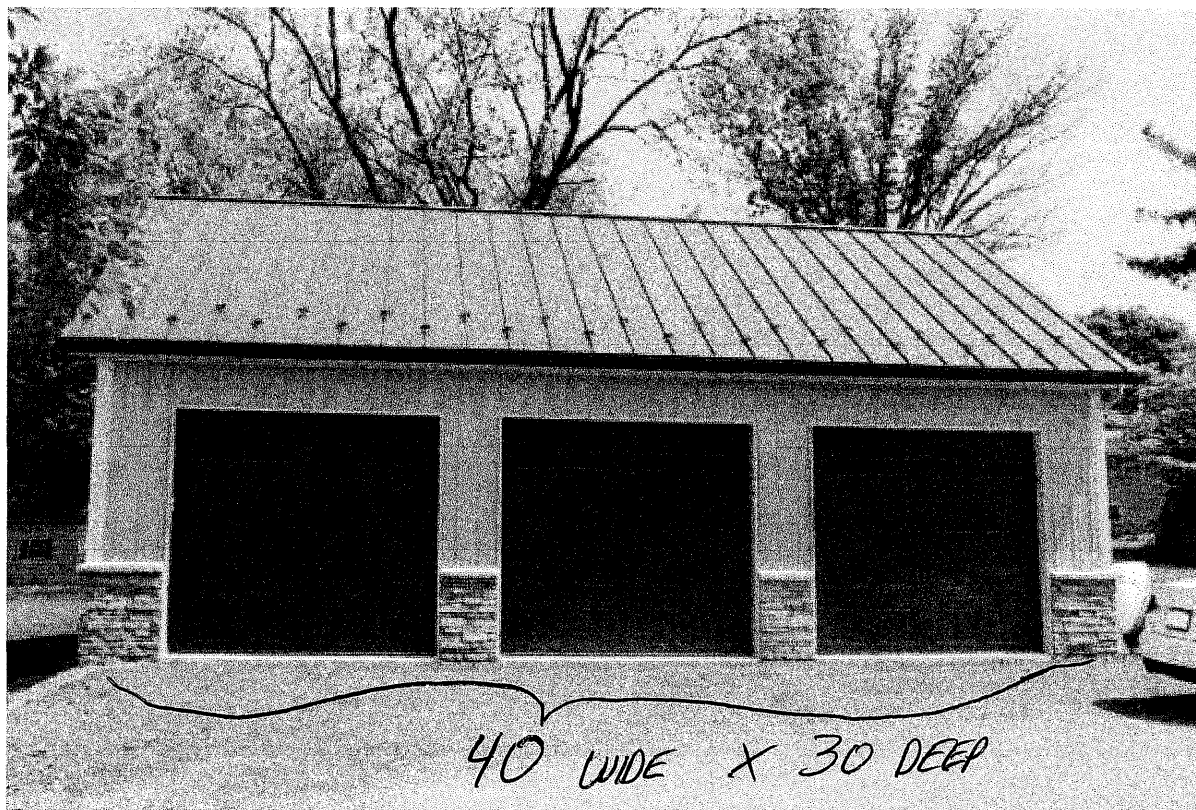
----- Forwarded Message -----

From: michelle Tronolone <mtronolone1@yahoo.com>

To: mt <mtronolone1@yahoo.com>

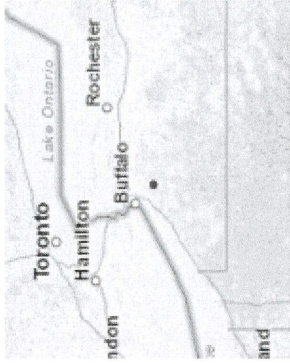
Sent: Monday, May 11, 2020, 10:17:58 AM EDT

Subject: garage



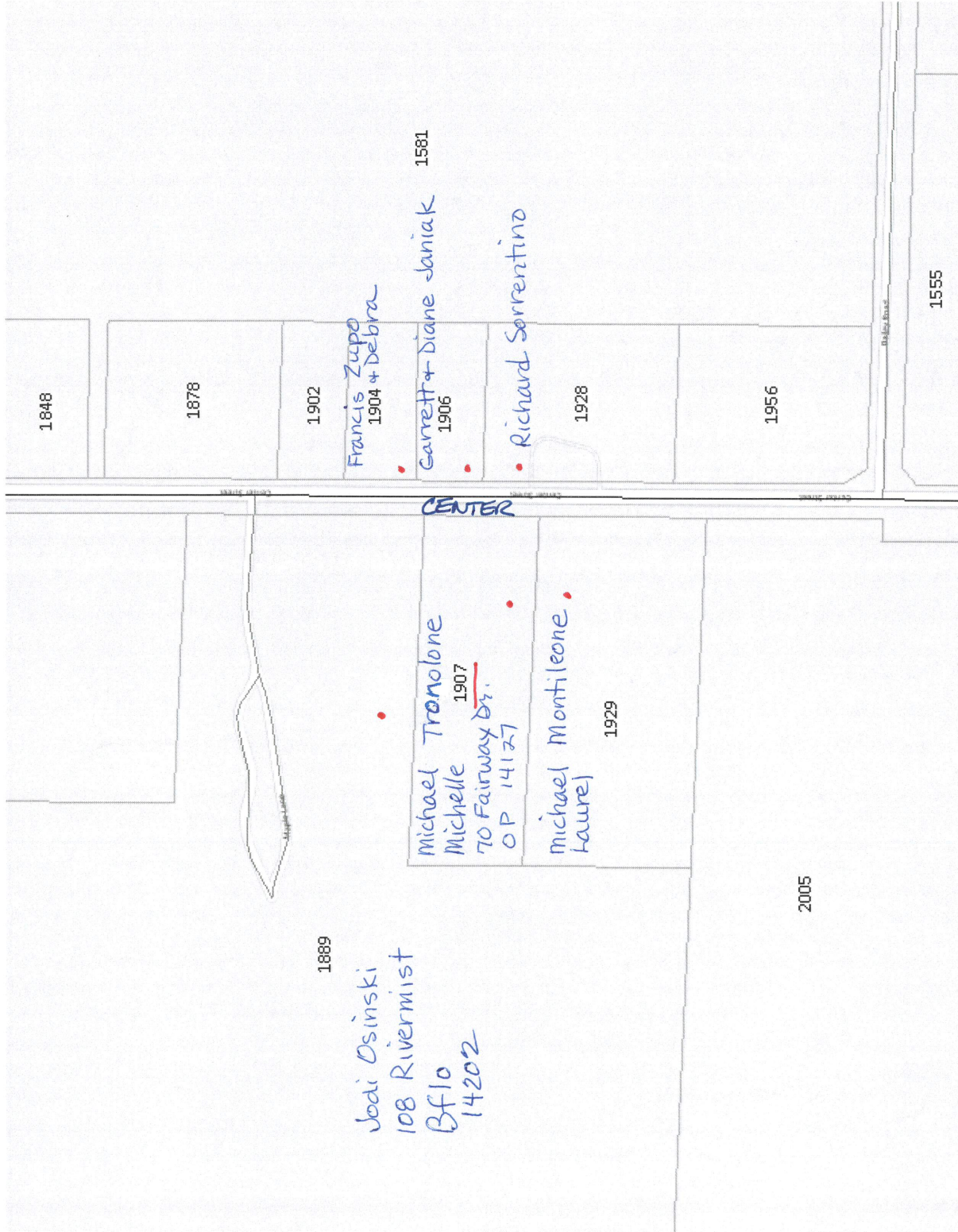


Erie County On-Line Mapping Application



Legend

- Parcels
- Streets and Highways
 - Interstate
 - Primary State Road
 - Secondary State Road
 - County Road
 - Local Road



0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
THIS MAP IS NOT TO BE USED FOR NAVIGATION

ERIE COUNTY
DEPARTMENT OF ENVIRONMENT & PLANNING
OFFICE OF GIS

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

1: 4,514

